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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**CHELSEA HARRIS and THOMAS HARRIS,
Plaintiffs**

v.

**ROADSAFE TRAFFIC, L.P.,
Defendant**

NO.

Civil Action – Law

JURY TRIAL DEMANDED

COMPLAINT

AND COMES NOW, the Plaintiffs Chelsea Harris and Thomas Harris, by and through their attorneys Handler, Henning & Rosenberg, LLC , by David L. Lutz, Esq., and sets forth this Complaint against the Defendant and avers as follow:

1. This Court has jurisdiction under the provisions of 28 U.S.C. §1332.

2. Venue is proper in the Middle District of Pennsylvania under 28 U.S.C. §1391 as this case involves a motor vehicle collision that occurred in the Middle District.

3. Plaintiffs Chelsea and Thomas Harris reside in McClure, Mifflin County, Pennsylvania.

4. Defendant RoadSafe Traffic, L.P. (hereinafter, "RoadSafe") is a corporation regularly doing business in the Middle District of Pennsylvania with its principal place of business located at 8750 West Bryn Mawr Avenue, Chicago, Illinois 60631.

5. At all times material hereto, Plaintiff Chelsea Harris was operating a 2017 Dodge while in the scope of employment with the Geisinger Medical Center.

6. At all times material hereto, Dustan Swanger was a professional commercial truck driver.

7. As a professional truck driver operating in Pennsylvania, Dustan Swanger knew or should have known that he had to operate a tractor trailer safely on the interstate highway.

8. At all times material hereto, Dustan Swanger was required to follow and obey the laws of the Commonwealth of Pennsylvania, including the State Motor Carrier safety regulations.

9. At all times material hereto, Dustan Swanger was operating a 2018 Ram-450 truck pulling a utility trailer while in the scope of employment with Defendant RoadSafe.

10. At all times material hereto, Dustan Swanger was an employee, agent and/or servant of Defendant RoadSafe and performing the acts alleged in this Complaint, was acting within the course and scope of employment, agency, direction and commission of Defendant RoadSafe.

11. On December 5, 2019, Plaintiff Chelsea Harris was operating her 2017 Dodge traveling east on Interstate 80, Hemlock Township, Columbia County, Pennsylvania .

12. At the same time, Dustan Swanger was operating a 2015 Ram-450 pulling a utility trailer, also traveling east on Interstate 80.

13. As Plaintiff Chelsea Harris slowed her vehicle on Interstate 80, Dustan Swanger caused the front of his truck, to collide into the rear of Plaintiff Chelsea Harris's vehicle.

14. The force of the rear-end collision to Plaintiff Chelsea Harris's vehicle caused her vehicle to be pushed forward into another vehicle.

15. As a direct and proximate result of Dustan Swanger's negligence, while in the scope of employment with Defendant RoadSafe, Plaintiff Chelsea Harris sustained harm.

16. The occurrence of the aforesaid collision and all the resultant damages to Plaintiffs Chelsea and Thomas Harris are the direct and proximate result of the negligence of Dustan Swanger, while in the scope of employment with Defendant RoadSafe, as follows:

- a. In failing to brake before colliding into Plaintiff Chelsea Harris' vehicle;
- b. In violating the Assured Clear Distance Ahead Rule;
- c. In failing to regulate his speed so as to prevent a rear-end collision;
- d. In failing to stop his truck before colliding into the rear of another vehicle.

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17. As a direct and proximate result of Dustan Swanger's negligence while in the scope of employment with Defendant RoadSafe, Plaintiff Chelsea Harris has suffered personal injuries including, but not limited to, multiple traumas, including but not limited to multiple rib fractures, right pneumothorax, thoracic spine trauma

necessitating T7-T11 posterior posterolateral spinal fusion at T-9; thoracic aorta injury, head trauma and weakness of lower extremities.

18. As a direct and proximate result of Dustan Swanger's negligence while in the scope of employment with Defendant RoadSafe, Plaintiff Chelsea Harris has suffered lost wages and diminution of her earning power and capacity and claim is made therefor.

19. As a direct and proximate result of Dustan Swanger's negligence while in the scope of employment with Defendant RoadSafe, Plaintiff Chelsea Harris has undergone medical care for her injuries and will continue to undergo care in the future and claim is made therefor.

20. As a direct and proximate result of Dustan Swanger's negligence while in the scope of employment with Defendant RoadSafe, Plaintiff Chelsea Harris has been compelled, in order to effectuate a cure for her injuries, to spend and incur costs for future medical care and claim is made therefor.

21. As a direct and proximate result of Dustan Swanger's negligence while in the scope of employment with Defendant RoadSafe, Plaintiff Chelsea Harris has suffered physical pain, discomfort, mental anguish, disfigurement and will continue to do so in the future and claim is made therefor.

22. As a direct and proximate result of Dustan Swanger's negligence while in the scope of employment with Defendant RoadSafe, plaintiff Chelsea Harris has suffered a loss of life's pleasures and enjoyment and has experienced an impact on attending to her daily activities of living and claim is made therefor.

23. At all times material hereto, Dustan Swanger was an employee, agent and servant of Defendant RoadSafe and in performing the negligent conduct alleged above, was acting within the course and scope of employment, agency, direction and commission of Defendant RoadSafe Traffic, L.P., and under the doctrine of *Respondeat Superior*, Defendant RoadSafe Traffic, L.P. is liable for the negligent actions of Dustan Swanger.

WHEREFORE, Plaintiff Chelsea Harris demands damages from Defendant RoadSafe Traffic, L.P. in an amount in excess of \$75,000.00, exclusive of interest and costs.

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24. All of the foregoing paragraphs are incorporated herein by reference.

25. At the time of the subject motor vehicle collision, Plaintiff Chelsea Harris and Plaintiff Thomas Harris were lawfully married as husband and wife.

26. As a direct and proximate result of Dustan Swanger's negligence while in the scope of employment with Defendant RoadSafe, Plaintiff Thomas Harris has

suffered a loss of consortium, society and comfort from this wife, Plaintiff Chelsea Harris, and he will continue to suffer a similar loss in the future and claim is made therefor.

27. **WHEREFORE**, Plaintiff Thomas Harris demands damages from the Defendant RoadSafe Traffic, L.P. in the amount in excess of \$75,000.00, exclusive of interest and costs.

Respectfully submitted,

HANDLER, HENNING & ROSENBERG, LLC


Date: 6-4-21

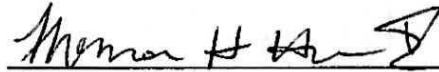


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VERIFICATION

The undersigned hereby verifies that the statements in the foregoing document are based upon information which has been furnished to counsel by me and information which has been gathered by counsel in the preparation of this lawsuit. The language of the document is of counsel and not my own. I have read the document and to the extent that it is based upon information which I have given to counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the contents of the document are that of counsel, I have relied upon my counsel in making this Verification. The undersigned also understands that the statements made therein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsification to authorities.


Chelsea Harris


Thomas Harris

Date: 6-4-21